

Commercial Motor Vehicle Enforcement Quarterly



April 2009

Captain's Corner

Captain Robert R. Powers, Jr.

I am pleased to announce the winners of the 2008 Michigan Association of Chiefs of Police (MACP) Awards for Excellence in Commercial Vehicle Safety.

CATEGORY	WINNER
1 - 10	No Entries
11 - 35	No Entries
36 +	Royal Oak Police Dept.
Sheriff	Eaton County Sheriff's Office
State Police	Alpena Post

The awarding of \$6,000 equipment grants to each winning agency resumed this year. It is unfortunate that two prizes were unclaimed as there were no nominations submitted in the smaller agency categories of 1 - 10 officers and 11 - 35 officers.

For all agencies that wish to showcase their efforts in commercial vehicle safety and perhaps collect a \$6,000 prize, now is the time to begin developing and implementing your program in anticipation of submitting a nomination for the 2009 awards. Nomination forms will be posted on the MACP website (www.michiganpolicechiefs.org) by early summer.

I am pleased to announce that Lt. Ron Crampton has joined the Traffic Safety Division's headquarters staff. Lieutenant Crampton previously served as our field commander overseeing our District 2 North (Detroit and its Northern suburbs). Lieutenant Crampton's new responsibilities include; administration of federal grants, training programs, CVSA North American Inspection Certification for MSP and local officers, hazardous materials safety and investigations, regulatory and special investigations, compliance reviews, and new entrant safety audits.

Lieutenant Crampton can be reached at 517-336-6476 or by e-mail at cramptor@michigan.gov.

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Vehicle Code

Equipment

The Federal Motor Carrier Safety Regulations (FMCSRs) section 393.9(b) requires that lamps and reflective devices and/or materials be visible and not obscured by the tailboard, or by any part of the load, or its covering by dirt, or other added vehicle or work equipment, or otherwise.



It is important to note that in the above picture, the tail lamps, turn signals and brake lamps are all obscured and that the manufacturer added the ramps to allow for special use. *This would be an out-of-service violation if the lamps are not visible at 500 feet cited using section 393.9 obscured/inoperable.*

Act 300

Section amended 257.722 Frost Law Restrictions posted to jurisdictional authorities website effective January 16, 2009

The amendment requires the state transportation department and each local authority with highways and streets to post all seasonal restrictions on their respective homepages or websites. If a local authority does not have a website, then on the website of a statewide road association of which it is a member.

The information required includes the dates when the seasonal restrictions are in effect and the names of the highways and streets and portions of highways and streets to which the seasonal restrictions apply.

257.244 amended Dealer, Transporter and Manufacturer Registration Plates effective January 13, 2009.

A registration plate issued under this subsection shall be used to move the vehicle or trailer in the following circumstance:

The individual, partnership, corporation, or association that in the ordinary course of business has occasion to legally pick up or deliver a commercial motor vehicle being driven to a facility to undergo aftermarket modification, or to repair or service a vehicle, or to a watercraft dealer. The owner of a marina for the purpose of delivering a vessel or trailer to a purchaser, to transport a vessel between a body of water and a place of storage, to transport a vessel or trailer to and from a boat show or exposition, to repair, service, or store a vessel or trailer, or to return a vessel or trailer to the customer after repair, service, or storage.

You are reminded to read the entire section to ensure proper application of these sections.

Size and Weight

The combination of vehicles pictured below is designed and exclusively used to transport vehicles. Given the fact that the combination is exclusively used for that purpose, Act 300 section 257.719(2), allows the overall length of the combination to be 65 feet. An additional 4 feet overhang is granted to the rear of this combination, but no overhang to the front of the trailer is legal. Where the tractor and trailer combination are both designed and using exclusively to transport vehicles, the law allows an additional 3' overhang to the front of the combination.



Fuel Tax

The National Law Enforcement Telecommunications System (NLETS) was recently enhanced to provide added functionality for querying commercial trucking companies that require an International Fuel Tax Agreement (IFTA) license. The purpose of the IFTA transaction is to identify companies who are delinquent in paying state fuel taxes. Carriers or drivers operating in violation of IFTA may be cited under MCL 207.225, "Failing to Pay IFTA Fees."

Under the Motor Carrier Fuel Tax Act (Public Act (PA) 119 of 1980), a qualifying vehicle is required to obtain and display an IFTA decal. A qualifying vehicle is defined as a vehicle that has:

- Three or more axles, regardless of weight.
- Two axles and a gross vehicle weight or a registered weight exceeding 26,000 pounds.
- A vehicle combination with a gross vehicle weight or a registered gross vehicle weight exceeding 26,000 pounds.

Public Act 119 does not apply to commercial motor vehicles used exclusively within Michigan (Intrastate MI carriers); vehicles that are not diesel-powered; farm or recreational vehicles; and school, university, and government vehicles.

An NLETS query will search the IFTA database and return exact matches based on a company's 13-character Federal Identification Number (FEI). This number is located on the IFTA Tax Agreement License (cab card), which is required to be carried by all diesel-powered, qualifying commercial motor vehicles.

To run the query in LEIN, enter the following query format in the blank screen:

```
NLETS.FQC.ORI.FT.TXT
FEI/XXXXXXXXXXXXX.
FQC EXAMPLE:
NLETS.FQC.MI00000000.FT.TXT
FEI/MI000000000000.
```

Users can expect to see a text response as shown below. In the following example, the carrier's status is "Revoked," indicating a violation of IFTA regulations.

All IFTA violations must be confirmed by calling the contact number provided in the response.

```
FQC.AZNLETS22.FT.TXTFEI/806904660
FRC.FT00000000
11:24 03/04/2009 00020
11:24 03/04/2009 00087 AZNLETS22
TXT
FTA Number: 0000000000
Organization Name: TEST CARRIER
Jurisdiction: AZ
Contact Number: (000) 000-0000
Status: Revoked as of 2008-05-21
```

In the next example response, the carrier being queried is in compliance with IFTA regulations.

```
FQC.AZNLETS22.FT.TXTFEI/1234567
FRC.FT00000000
11:25 03/04/2009 00021
11:25 03/04/2009 00088 AZNLETS22
No record found. Please note that the IFTA, Inc. database
returns only revoked vehicles.
```

Questions regarding IFTA transactions should be directed to the LEIN Field Services Section at (517) 636-4519. Additional information on IFTA enforcement may be obtained by contacting the Traffic Safety Division at (517) 336-6284.

A copy of IFTA violations should be forwarded for follow-up to the Department of Treasury, Motor Fuel Unit, P.O. Box 30474 Lansing, MI 48909-8209.

Act 254 Unified Carrier Registration Requirements

Background

In 2005 the USDOT re-authorization bill known as SAFETEA-LU, eliminated the Single State Registration System (SSRS) and replaced it with the Unified Carrier Registration (UCR). Under UCR, all interstate motor carriers including for-hire, private, exempt, and interstate household goods carriers, are required to register under UCR. **Carriers that operate solely intrastate are not required to register under UCR.** SAFETEA-LU extended UCR requirements to brokers, freight forwarders and leasing companies operating in interstate and international commerce which were previously exempt from SSRS.

Michigan recently amended Public Act 254 with Public Act 584 of 2008, allowing enforcement of the UCR provisions. The Michigan Public Service Commission (MPSC) is authorized to collect and distribute UCR funds which are restricted for commercial vehicle safety programs.

UCR Verification for Enforcement

1. Officers can log onto www.safersys.org to verify that a carrier is registered under UCR.
2. In the event a carrier does not appear on either the list provided by MPSC or the website, the officer should verify via telephone with MPSC that the carrier is in fact **not** registered.

In the event verification is not possible, e.g., after hours or no one is available to call the MPSC, officers can run the carrier at the conclusion of their shift utilizing www.safersys.org.

Questions regarding UCR contact the MSP/TSD HQ Training Unit at (517) 336-6284,